CONSTITUTION AND BYLAWS
of the
NATIVE VILLAGE OF KOTLIK, ALASKA 99620

PREAMBLE

We, a group of Yupik Eskimos who are residents of Kotlik, Alaska having a common bond of residence and/or association, in order to promote our welfare, through the development of governmental and economic enterprises, including exercising the rights and powers granted under P.L 93-638 and any future amendments, thereto, do establish this Constitution and Bylaws pursuant to our inherent sovereignty and status as a federally-recognized Tribe.

CONSTITUTION

ARTICLE I – NAME

The name of this Tribe (hereinafter "the Tribe") shall be the Native Village of Kotlik.

ARTICLE II – DEFINITION OF TERRITORY

The Native Village of Kotlik, Alaska shall have and exercise the full jurisdiction of a federally-recognized Tribe, regardless of whether such jurisdiction is retained or delegate in nature, including, but not limited to, jurisdiction over the following:

1. Matter internal to the Tribe, such as internal relations within the Tribe and tribal governmental processes;
2. Members of the Tribe, wherever residing;
3. Any and all Indian country of the tribe;
4. Any and all lands owned by the Tribe;
5. Any and all lands, including ANCSA lands, over which the Tribe may exercise jurisdiction pursuant to cooperative agreements with the landowner;
6. Members of other Tribes who reside or are present in the village of Kotlik, to the degree that their tribal governments have entered into agreements with the Native Village of Kotlik allowing for intertribal jurisdictional cooperation when members of one Tribe move to another Tribe's community;
7. All persons or entities who enter into consensual relations with the Tribe or its tribal members and whose activities affect the political integrity, economic security, or health and welfare of the tribe or its tribal members;
8. All other matters over which the Tribe has retained sovereignty or jurisdiction; and
9. All matters over which Congress has delegate jurisdiction to the Tribe.

ARTICLE III – MEMBERSHIP

Section 1 All persons whose names appear on the membership roll shall be members of this village.

Section 2 New Members: Lineal Descendents of Original Members or of properly enrolled New Members, so long as they are of ¼ Alaska Native Blood, shall automatically be eligible for membership in the Kotlik Tribe, provided that lineal descendants over 18 who are enrolled in another tribe must relinquish that membership in order to be eligible for enrollment in the Kotlik Tribe.

Section 3 Effect of Enrollment or Non-Enrollment. The membership of the Kotlik tribe shall consist of those persons whose names appear on the membership roll of the Tribe, whether as Original or New Members. However, persons eligible for membership whose names have accidentally been omitted from the roll, or who have understood themselves as tribal members but for some reason never formally sought enrollment, may, by Tribal Council action, be declared to be members of the Kotlik Tribe. Such a determination may reach back in time to the date on which the person actually became a member of the tribe, and shall result in the immediate additional of the member to the tribal enrollment list.

ARTICLE IV – COUNCIL

Section 1 The governing body for the Native Village of Kotlik shall be the Kotlik Tribal Council.

Section 2 There shall be a Council composed of a President and four members elected by the adult members of the Kotlik Tribe.

Section 3 The Council shall perform the duties and exercise the basic powers of a tribal government, including all matters related to P.L. 93-638 and all other tribal undertakings, and shall exercise the powers of the Kotlik Tribe that are specifically enumerated in this Constitution and any other powers vested in the Council by the Kotlik Tribe, whether express or implied.

Section 4 Each member of the Council shall serve for a term of three years. Terms shall overlap so that elections of the positions on the Council shall be held each year. Once elected to a seat, there shall be no seat switching to fill in which case any vacancies would need to be filled by the Council, pursuant to Article VI, Section 2.

ARTICLE V – POWERS OF THE COUNCIL

Section 1 To do all things for the common good which it has done or has had the right to do in the past and which are not against tribal or federal law, or against state law in those instances where state law may be applicable, for one reason or another, to Council functions or the actions of individuals council members acting in an official capacity.

Section 2 To deal with the Federal Government and its agencies and the State Government and its agencies on behalf of the Community; deal with any person, firm, corporation or municipality on behalf of the Community.

Section 3 To provide for filling vacancies in office consistent with this Constitution.

Section 4 To levy dues, fees and assessments for Community purposes on members of the Community and to provide for their collection and enforcement through its ordinances, for the good of the Community. No such assessments shall be laid except by resolution of the Council at any regularly called meetings.

Section 5 The Council may have and use such other powers as may be inherent in the sovereignty of the Kotlik Tribe, or may be delegated to it by the federal or state government, municipal government, or another tribal government.

ARTICLE VI – CHANGE OF OFFICERS

Section 1 Any Tribal Council found guilty by the Tribal Council of neglect of duty, gross misconduct in office, or an offense involving dishonesty may be removed from office by the Tribal Council. Four (4) Tribal Council members must vote in favor, of the removal. A Council member subject to removal shall first be given ten (10) days notice in writing of the charges against him or her and be given an opportunity to answer such charges before the Tribal Council. If the person subject to removal fails to appear before the Council, the Council shall proceed with the vote as scheduled. No member of the Tribal Council shall preside over the meeting at which his or her removal is being considered. All questions of removal under this Section shall be resolved by the Tribal Council and the decision of the Tribal Council shall be final and may not be reviewed by the Tribal Court.

Section 2 If the office of a Council member is vacant for any reason, the Council may appoint a successor by a resolution to serve until the next general election of the Tribe at which time a members shall be elected to fill the remainder of the unexpired term, but not with someone who is a current member of the Council.

ARTICLE VII – AMENDMENTS

Amendments to this Constitution and By-Laws may be proposed by a resolution of the Constitution or of the Community. Amendments shall become effective when ratified by a majority vote of adult members listed on the membership roll in accordance with Article III, provided that at least (30) percent of those entitled to vote shall vote in such election at which votes may be cast in person or by proxy.

ARTICLE VIII – DISSOLUTION

The Constitution and By-Laws shall continue in existence until dissolved by a majority vote of the adult members of this Community provided that at least thirty (30) percent of those entitled to vote shall vote in such election.

BY – LAWS
OF THE NATIVE VILLAGE OF KOTLIK

ARTICLE 1 – DUTIES OF OFFICERS / COUNCIL MEMBERS

Section 1 The President: The President of the Council shall control over all the meetings of the Council and of the Community, exercising the usual duties of a chairman and any other delegated to him/her. He/She may vote in Council meeting only in case of a tie. The President is charged with responsibilities for the administration of the Community and ordinances and resolutions.

Section 2 The Vice President: The duties of the Vice President, in the absence of the President will be the same as those of the President.

Section 3 The Secretary: The Secretary shall act as a chairman in the event the President or the Vice President is absent from the Community. He/She shall conduct all correspondence and keep a complete and accurate record of all business transactions of the Community or of the Council.

Section 4 The Members: The two members shall be part of the decision making on Kotlik Tribal Council issues.

Section 5 The Record: All accounts, records, books and minutes of Council meetings shall be subject to examination by the members of the Community, or the Council, or the agents of the Federal or State Government having authorized business in the village with any Council member present. The records, books and minutes that are generally subject to examination by tribal members and other appropriate persons shall not include any confidential information, such as information on children's cases or other proceeding sensitive enough to be dealt with by the Council in executive session unless the person requesting access has a legitimate right to access such records.

ARTICLE II – QUALIFICATIONS OF OFFICERS

Section 1 No person may be a candidate for any elective office unless he/she has the qualifications of a voter as specified in Article IV, Section 1 of these bylaws.

Section 2 No person who has been convicted of a felony shall not be a candidate for any elective office for life.

Section 3 No person may be a candidate for any elective office while serving as a member in other local organizations due to conflict of interest while under Kotlik Tribal Council roll call.

Section 4 Those employed by the Kotlik Tribal Council shall not be eligible to serve as a member in the Council.

ARTICLE III – MEETINGS

Section 1 The Council shall meet at such times as voted by the majority of the Council.

Section 2 The President may call such other special meetings as he/she may deem necessary by giving two days notice to the members of the Council.

Section 3 Any member of the Tribal Council who submits a written resignation, passes on, is convicted of a felony while in office, or is absent from three regular monthly Council meetings without be excused by the Council shall automatically forfeit his or her office.

Section 4 Annual Membersbip meetings: Notice of annual membership meetings along with ballot, date, time and place shall be posted and mailed to tribal members residing elsewhere.

Section 5 The Quorum: Three Council members shall constitute a quorum for the council meetings and for membership meetings; one-third of the voting membership of the Kotlik Tribe shall constitute a quorum.

Section 6 Careful and accurate record in the form of minutes shall be kept of all regular and special meetings of the Council and preserved in the appropriate files of the Council.

Section 7 All decisions concerning the Kotlik Tribal Council shall be discussed for consideration in a duly called meeting.

ARTICLE IV – RIGHTS OF MEMBERS

Section 1 Residence for 30 days and over to be an elective member for village of Kotlik.

Section 2 All members of the village 18 years of age or over shall have the right to vote in Community meetings and elections.

Section 3 Members of the Community shall have equal chance to share in the benefits of the Community.

ARTICLE V – RULE MAKING POWER

The Council shall have power to make rules and regulations to carry out the provisions of the Constitution and By-Laws.

ARTICLE VI – ADOPTION

This Constitution and By-Laws shall take effect immediately upon certification by the Kotlik Tribal Council, that at a meeting of the general membership which is called for this purpose, and with no less than 30 percent of the voting membership taking part, a majority of the tribal members in attendance have voted in favor of adopting this Constitution and By-Laws.

CERTIFICATION OF ADOPTION

We the undersigned members of the Board Members of the Village have been chosen to be the Board Members by the majority votes from the village present this purpose of adopting this Constitution and Bylaws on this 18th day of October, 2006; that the foregoing was adopted by the board election by a vote of _____for, and _____against, where at least 30 percent of votes entitled to cast their ballots.

Michael Hunt Sr., Kotlik Tribal President

Sara Prince, Kotlik Tribal Secretary